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Tr.C.M.P.No.691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

TR.C.M.P.No.691 of 2022

and

C.M.P.No.8377 of 2023

M/s.Cholamandalam MS General
Insurance Company Ltd.,
Harnivas Towers II Floor,
163, Thambu Chetty Street,
Chennai-600 001.

... Petitioner

Vs.

- 1.M.Jothi
- 2.M.Kaaviya
- 3.M.Prabanjan
- 4.S.Vijaya
- 5.S.Vijaya Aravind
- 6.S.Priyadharshini
- 7.Meenatchi
- 8.Minor Pavithra
- 9.Minor Bavana
- 10.Minor Bavyasri
Minor rep., by mother/NF Guardian Vijaya)
- 11.Chinnammal
- 12.Kuppan
- 13.Radha
- 14.Minor Kavyashri
(Minor rep., by her mother/Natural Guardian-Radha)
- 15.K.Sundari
- 16.Minor S.Kavyashri
- 17.K.Ramakrishnan
- 18.S.Santhakumari
- 19.P.Birundhavathy



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20.A.Suresh

21.M.Senthilkumar

22.The Manager,

United India Insurance Co., Ltd.,

Neruji Road, Villupuram -605 602.

23.K.Sundariammal.

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to transfer the M.C.O.P.Nos.2630, 2631 and 2731 of 2016 pending on the file of the Motor Accident Claims Tribunal, Cuddalore to the Motor Accident Claims Tribunal, Villupuram for having joint trial along with M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017 pending on the file of the Motor Accident Claims Tribunal, Villupuram.

For Petitioner : M/s.P.Sree Vidhya

For Respondents : M/s.Ramya V. Rao

(For respondents Nos.1 to 19)

ORDER

This transfer petition is filed seeking to withdraw the M.C.O.P.Nos.2630, 2631 and 2731 of 2016 pending on the file Motor Accident Claims Tribunal, Cuddalore to the Motor Accident Claims Tribunal, Villupuram for having joint trial along with M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017 pending on the file of the Motor Accident Claims Tribunal, Villupuram.

2. It is submitted by the learned counsel for the petitioner that all these Motor Vehicle Accident Claim Original Petitions were arising out of same accident which took place on 20.03.2016.



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3. The learned counsel appearing for the respondents also reported insurance company is same in all these M.C.O.P's and all the above mentioned M.C.O.P's shall be transferred to the Villupuram for joint Trial in order to avoid multiplicity in proceedings of the cases.

4. By taking into consideration the facts and circumstances of the case, this Court is inclined to order the above transfer petition as indicated below.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petitions filed in M.C.O.P.Nos.2630, 2631 and 2731 of 2016 on the file of the Motor Accident Claims Tribunal, Cuddalore are withdrawn and transferred to the Motor Accident Claims Tribunal, Villupuram. The Motor Accident Claims Tribunal, Villupuram, is hereby directed to have a joint trial along with M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

Index: Yes/ No
Speaking Order / Non-Speaking Order

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Tr.C.M.P.No.691 of 2022

Dr. D. NAGARJUN, J.

jai

To

1. The Motor Accident Claims Tribunal,
Villupuram.
2. The Motor Accident Claims Tribunal,
Cuddalore.

TR.CMP.No.691 of 2022

24.04.2023

TR.C.M.P.No.691 of 2022

and

C.M.P.No.8377 of 2023

DR.D.NAGARJUN,J.

ORDER

This matter is listed under the caption 'for being mentioned', at the instance



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of the learned Counsel for the petitioner in Tr.C.M.P.No.691 of 2022.

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2. According to learned counsel for the petitioner, Tr.C.M.P.No.691 of 2022 has filed seeking to withdraw M.C.O.P.Nos.2630, 2631 and 2731 of 2016, pending on the file of Motor Accident Claims Tribunal, Cuddalore to the Motor Accident Claims Tribunal, Villupuram, for a joint trial along with M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017, pending on the file of the Motor Accident Claims Tribunal, Villupuram. The said petition was considered by this Court and was allowed as per the orders dated 24.04.2023 directing to withdraw M.C.O.P.Nos.2630, 2631 and 2731 of 2016, from the file of Motor Accident Claims Tribunal, Cuddalore, and directed to be transferred to the Motor Accident Claims Tribunal, Villupuram, for a joint trial along with M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017.

3. Now, the learned counsel for the petitioner as well as respondents who has appeared through video conferencing submits that during the course of submissions in Tr.C.M.P.No.691 of 2022, learned counsel for the petitioner as well as the respondents have agreed and represented before the Court to transfer



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M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017 which are pending on the file of the Motor Accident Claims Tribunal, Villupuram, to that of the file of Motor Accident Claims Tribunal, Cuddalore, for a joint trial in M.C.O.P.Nos.2630, 2631 and 2731 of 2016. It is submitted further that on account of typographical mistake all the matters are ordered to be transferred to the Motor Accident Claims Tribunal, Villupuram, instead of the file of Motor Accident Claims Tribunal, Cuddalore.

4. Accordingly, paragraph Nos.3 and 5, are read as follows:-

“3. The learned counsel appearing for the respondents also reported insurance company is same in all these M.C.O.P's and all the above mentioned M.C.O.P's shall be transferred to the Cuddalore for joint Trial in order to avoid multiplicity in proceedings of the cases.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petitions filed in M.C.O.P.No.268 of 2016 and M.C.O.P.No.23 of 2017 on the file of the Motor Accident Claims Tribunal, Villupuram are withdrawn and transferred to the Motor Accident Claims Tribunal, Cuddalore. The Motor Accident Claims Tribunal, Cuddalore, is hereby directed to have a joint trial along with M.C.O.P.Nos.2630, 2631 and 2731 of 2016. No costs. Consequently, connected miscellaneous petition is closed. .”



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5. Registry is directed to carry out the necessary corrections and re-issue the copy of the order to the respective learned Counsel appearing for the parties, subject to payment of necessary fee.

02.08.2023

PKN

Internet: Yes